

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE THOMAS HOUFF,

No. 3:23-cv-00674-SB

Petitioner,

OPINION AND ORDER

v.

ERIKA PRUITT, Multnomah County
Community Corrections Director,

Respondent.

BAGGIO, District Judge:

On March 5, 2025, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”), ECF 32, recommending that this Court dismiss Petitioner’s Petition for Writ of Habeas Corpus, ECF 1, with prejudice, and decline to issue a certificate of appealability. Petitioner did not file objections to the F&R. This Court ADOPTS Magistrate Judge Beckerman’s F&R, ECF 32, in full.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed

objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154. The Court has reviewed Magistrate Judge Beckerman's F&R and concludes that there is no basis to modify it.

CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings and Recommendation, ECF 32. Therefore, Petitioner's Petition for Writ of Habeas Corpus, ECF 1, is DISMISSED without leave to amend and this case is DISMISSED with prejudice. The Court declines to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 26th day of March, 2025.



AMY M. BAGGIO
United States District Judge